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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/025,704	12/18/2001	John H. Yoakum	7000-112	7532
27820	7590	03/06/2006		
WITHROW & TERRANOVA, P.L.L.C. P.O. BOX 1287 CARY, NC 27512				
			EXAMINER THAI, CANG G	
			ART UNIT 3629	PAPER NUMBER

DATE MAILED: 03/06/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/025,704	YOAKUM ET AL.	
	Examiner	Art Unit	
	Cang G. Thai	3629	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 08 December 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-37 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-37 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Amendment

This is in response to an amendment filed on 12/08/2005 for letter for patent filed on 12/18/2001. Claims 1-37 are pending in the letter.

Response to Arguments

1. The United States Patent and Trademark Office has considered the applicant's arguments filed on 12/08/2005, but has not found those arguments to be persuasive. Applicant argues that the prior art fail to teach the aspect of determining any sort of location of the mobile terminal. In particular, Haynes teaches the aspect of determining any sort of location of the mobile terminal (Column 13, Lines 20-23). A system interaction device (Element 1700) can determine the location of a personal interaction device (Element 1600) only when the driver dials to the system. Applicant also argues that the prior art fail to teach the aspect of determining the location when the location is outside the parking area or facility. Haynes teaches the aspect of determining the location when the location is outside the parking area or facility (Column 2, Lines 16-20). Even though the driver is away from the parking facility, Haynes teaches the aspect of determining the location can be obtained if the facility is wired with a system interaction device.

Status of Claims

Claim Rejections - 35 USC § 112

2. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the

Art Unit: 3629

art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

3. Claims 1-37 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter, which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention.

As per claims 1-37, applicant added the limitation of the location of the mobile terminal being outside of any parking area or facility. It is unclear because it can be any parking area or facility is also interpreted as no parking space. For example, an individuals driving up the mountain, an individual would use the mobile terminal to identify a parking space, once an individual gets to the place it is full and nowhere to park. It is not clear because unless an individual finds a parking space and park in it, it could take a whole day to identify a parking space while using the mobile terminal to identify a parking space. Also, it would be difficult to obtain a parking space in an area or facility that does not have the wiring system.

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-37 are rejected under 35 U.S.C. 102(e) as being anticipated by US Patent No. 6,816,085 (HAYNES ET AL).

As for Claim 1, HAYNES discloses a method locating available parking comprising:

- a) receiving a request initiated by a mobile terminal to identify available parking {See Fig. 4, Element 4020};
- b) determining a location the mobile terminal, the location of the mobile terminal being outside of any parking area or facility {See Fig. 4, Element 4040};
- c) identifying the available parking based on the location of the mobile terminal {See Fig. 4, Element 4050}; and
- d) effecting delivery of parking information bearing on the available parking to the mobile terminal {See Fig. 4, Element 4070}.

As for Claim 2, HAYNES discloses the method of claim 1 wherein the determining step includes expanding the location of the mobile terminal into an associated area interest and the identifying step identifies parking areas or facilities within the area of interest and identifies the available parking at the parking areas or facilities within the area of interest {See Fig. 4, Element 4080}.

As for Claim 3, HAYNES discloses the method of claim 2 further comprising determining a direction of travel for the mobile terminal and wherein the expanding step uses the direction of travel when creating the area interest {See Fig. 4, Element 4100}.

As for Claim 4, HAYNES discloses the method of claim 1 further comprising effecting delivery of directions associated with the available parking user via the mobile terminal {See Fig. 4, Element 4120}.

As for Claim 5, HAYNES discloses the method of claim 1 further comprising effecting delivery of a map associated with the available parking user via the mobile terminal {See Fig. 4, Element 4130}.

As for Claim 6, HAYNES discloses the method of claim 1 further comprising:

- a) receiving a request initiated by the mobile terminal to reserve parking associated with the available parking {See Fig. 4, Element 4000}; and
- b) requesting a reservation associated with the available parking {See Fig. 4, Element 4010}.

As for Claim 7, HAYNES discloses the method of claim 6 further comprising:

- a) receiving confirmation for the reservation {See Fig. 4, Element 4030}; and
- b) delivering confirmation indicia based on the confirmation to the mobile terminal, wherein the confirmation indicia can be provided to a parking area or facility providing the available parking to confirm the reservation {See Fig. 4, Element 4040}.

As for Claim 8, HAYNES discloses the method of claim 7 further comprising delivering the confirmation indicia to the parking area or facility {See Fig. 4, Element 4060}.

As for Claim 9, HAYNES discloses the method of claim 1 wherein the identifying step further comprises:

- a) accessing a profile associated with the mobile terminal to access parking criteria defined by a user of the mobile terminal {See Fig. 4, Element 4070}; and
- b) selecting the available parking based on the parking criteria in the profile {See Fig. 4, Element 4080}.

As for Claim 10, HAYNES discloses the method of claim 1 further comprising gathering information bearing on the availability of parking in at least one parking area or facility and from which the available parking is determined {See Fig. 4, Element 4010}.

As for Claim 11, HAYNES discloses the method of claim 1 further comprising accounting for services associated with providing the parking information {See Fig. 4, Element 4020}.

As for Claim 12, HAYNES discloses the method of claim 1 wherein communications with the mobile terminal are facilitated using one the group consisting of text, audio, and browser based communication technologies {See Fig. 5, Element 1420}.

As for Claim 13, HAYNES discloses a system for locating available parking comprising:

- a) a network interface {See Fig. 3, Element 3500 }; and
- b) control system associated with the network interface and adapted to:
 - i) receive a request initiated by a mobile terminal to identify available parking {See Fig. 3, Element 3300};

- ii) determine a location of the mobile terminal, the location of the mobile terminal being outside of any parking area or facility {See Fig. 3, Element 3200};
- iii) identify the available parking based on the location of the mobile terminal {See Fig. 3, Element 3100}; and
- iv) effect delivery of parking information bearing on the available parking to the mobile terminal {See Fig. 3, Element 3250}.

As for Claim 14, HAYNES discloses the system of claim 13 wherein the control system is further adapted to expand the location of the mobile terminal into an associated area of interest, identify parking areas or facilities within the area of interest, and identify the available parking at the parking areas or facilities within the area of interest {See Fig. 3, Element 3400}.

As for Claim 15, HAYNES discloses the system of claim 14 wherein the control system is further adapted to determine a direction travel for the mobile terminal and use the direction of travel when creating the area of interest {See Fig. 3, Element 3400}.

As for Claim 16, HAYNES discloses the system of claim 13 wherein the control system is further adapted to effect delivery of directions associated with the available parking to a user via the mobile terminal {See Fig. 3, Element 3250}.

As for Claim 17, HAYNES discloses the system of claim 13 wherein the control system is further adapted to effect delivery of a map associated with the available parking to a user via the mobile terminal {See Fig. 3, Element 3300}.

As for Claim 18, HAYNES discloses the system of claim 13 wherein the control system is further adapted to:

- a) receive a request initiated by the mobile terminal to reserve parking associated with the available parking {See Fig. 3, Element 3000}; and
- b) request reservation associated with the available parking {See Fig. 3, Element 3300}.

As for Claim 19, HAYNES discloses the system of claim 18 wherein the control system is further adapted to:

- a) receive confirmation for the reservation {See Fig. 4, Element 4020}; and
- b) deliver confirmation indicia based on the confirmation to the mobile terminal {See Fig. 4, Element 4030},
wherein the confirmation indicia can be provided to a parking area or facility providing the available parking to confirm the reservation {See Fig. 3, Element 4040}.

As for Claim 20, HAYNES discloses the system of claim 19 wherein the control system is further adapted to deliver the confirmation indicia to the parking area or facility {See Fig. 4, Element 4050}.

As for Claim 21, HAYNES discloses the system of claim 13 wherein, to identify the available parking, the control system further adapted to:

- a) access a profile associated with the mobile terminal to access parking criteria defined by a user of the mobile terminal {See Fig. 4, Element 4110}; and

- b) select the available parking based on the parking criteria in the profile
{See Fig. 4, Element 4120}.

As for Claim 22, HAYNES discloses the system of claim 13 wherein the control system is further adapted to gather information bearing on the availability of parking in at least one parking area or facility and from which the available parking is determined {See Fig. 4, Element 4020}.

As for Claim 23, HAYNES discloses the system of claim 13 wherein the control system is further adapted to account for services associated with providing the parking information {See Fig. 4, Element 4030}.

As for Claim 24, HAYNES discloses the system of claim 13 wherein communications with the mobile terminal are facilitated using one of the group consisting of text, audio, and browser based communication technologies {See Fig. 5, Element 1420}.

As for Claim 25, HAYNES discloses a computer readable medium providing software for locating available parking, the computer readable medium comprising instructions to;

- a) receive a request initiated by a mobile terminal to identify available parking
{See Fig. 4, Element 4020};
- b) determine a location of the mobile terminal, the location of the mobile terminal being outside of any parking area or facility {See Fig. 4, Element 4030};

- c) identify the available parking based on the location of the mobile terminal {See Fig. 4, Element 4040}; and
- d) effect delivery of parking information bearing on the available parking to the mobile terminal {See Fig. 4, Element 4060}.

As for Claim 26, HAYNES discloses the computer readable medium of claim 25 comprising further instructions to expand the location of the mobile terminal into an associated area of interest, identify parking areas or facilities within the area of interest, and identify the available parking at the parking areas or facilities within the area of interest {See Fig. 3, Element 3000}.

As for Claim 27, HAYNES discloses the computer readable medium of claim 26 comprising further instructions to determine a direction of travel for the mobile terminal and use the direction of travel when creating the area of interest {See Fig. 3, Element 3250}.

As for Claim 28, HAYNES discloses the computer readable medium of claim 25 comprising further instructions to effect delivery of directions associated with the available parking a user via the mobile terminal {See Fig. 3, Element 3400}.

As for Claim 29, HAYNES discloses the computer readable medium of claim 25 comprising further instructions to effect delivery of a map associated with the available parking to a user via the mobile terminal {See Fig. 3, Element 3400}.

As for Claim 30, HAYNES discloses the computer readable medium of claim 25 comprising further instructions to:

- a) receive a request initiated by the mobile terminal to reserve parking associated with the available parking {See Fig. 3, Element 3300}; and
- b) request a reservation associated with the available parking {See Fig. 3, Element 3100}.

As for Claim 31, HAYNES discloses the computer readable medium of claim 30 comprising further instructions to:

- a) receive confirmation for the reservation {See Fig. 3, Element 3300}; and
- b) deliver confirmation indicia based on the confirmation to the mobile terminal {See Fig. 3, Element 3300},
wherein the confirmation indicia can be provided to parking area or facility providing the available parking to confirm the reservation {See Fig. 3, Element 3200}.

As for Claim 32, HAYNES discloses the computer readable medium of claim 31 comprising further instructions to deliver the confirmation indicia to the parking area or facility {See Fig. 4, Element 4060}.

As for Claim 33, HAYNES discloses the computer readable medium of claim 25 comprising further instructions, when identifying the available parking, to:

- a) access a profile associated with the mobile terminal to access parking criteria defined by a user of the mobile terminal {See Fig. 4, Element 4110}; and
- b) select the available parking based on the parking criteria in the profile {See Fig. 4, Element 4120}.

As for Claim 34, HAYNES discloses the computer readable medium of claim 25 comprising further instructions to gather information bearing on the availability of parking in at least one parking area or facility and from which the available parking is determined {See Fig. 3, Element 3250}.

As for Claim 35, HAYNES discloses the computer readable medium of claim 25 comprising further instructions to account for services associated with providing the parking information {See Fig. 3, Element 3300}.

As for Claim 36, HAYNES discloses the computer readable medium of claim 25 wherein communications with the mobile terminal are effected using one of the group consisting of text, audio, and browser based communication technologies {See Fig. 5, Element 1420}.

As for Claim 37, which has the same limitations as in Claim 13, therefore, it is rejected for the similar reasons set forth in Claim 13.

Conclusion

3. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

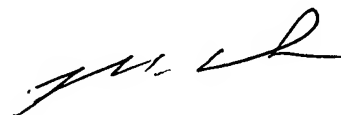
No claims are allowed.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Cang (James) G. Thai whose telephone number is (571) 272-6499. The examiner can normally be reached on 6:30 AM - 3:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Weiss can be reached on (571) 272-6812. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

CGT
02/24/2006



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